

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Marc Martel,

Plaintiff,

V.

Computer Sciences Corporation,

Defendant.

Docket No. 1:17-cv-00407-SM

**JOINT MOTION TO RECONSIDER AND CLARIFY COURT ORDER
OF MAY 23, 2019 REGARDING PARTIES' REVISED DISCOVERY PLAN**

NOW COME the parties, by and through their attorneys, and respectfully submit this Joint Motion to Reconsider and Clarify Court Order of May 23, 2019 Regarding Parties' Revised Discovery Plan and state as follows:

1. On May 23, 2019, the Court issued an Order approving the Revised Joint Discovery Plan filed by the parties on May 20, 2019, with changes (Doc. No. 41).

2. Although the parties had jointly requested a trial date in this case for the weeks of May 19 and 25, 2020, the Court scheduled trial for August 18, 2020.

3. Plaintiff requests that the Court reschedule the trial to the weeks of May 19 and 25, 2020.¹

4. The Court's Order of May 23rd also sets additional dates in the case: (a) Supplemental Statement regarding ESI due June 6, 2019; (b) Status report to be filed by the parties on June 11, 2019; and (c) Telephonic Discovery Conference scheduled for June 13, 2019.

¹ The Plaintiff's lead attorneys, Heather M. Burns and Lauren S. Irwin, vacation annually for several weeks during the month of August. Moreover, Attorney Burns has a son who will be starting college in the fall of 2020 and expects to bring her son to college sometime in the latter part of August of 2020. An August 18, 2020 trial date is not workable for Mr. Martel's counsel.

5. Since the parties' filed their Revised Joint Discovery Plan on May 20, 2019, and the Court issued its order of May 23, 2019, the parties have agreed to mediate this case with a private mediator on July 9, 2019.

6. As a result, the parties have agreed to temporarily stay discovery and discovery issues (other than Defendant's production of June 3, 2019). Therefore, the parties request that:

a. The Court modify the parties' deadline for filing of a Supplemental Statement regarding ESI. Both parties agree that any such deadline should be extended to a date after the July 9th mediation. However, the parties disagree on the duration of the stay. Plaintiff requests that the date be extended to July 19, 2019. Defendant submits that rulings on discovery issues before the Court will affect the need for and/or scope of any such disclosure, and therefore requests that the deadline be set if/as necessary by the Court in the Discovery Conference. If the Court disagrees, Defendant consents to the July 19 date.

b. The Court modify the parties' deadline for filing a Status Report as to discovery issues in dispute, from June 11, 2019, to July 19, 2019.

c. The Court reschedule the Discovery Conference from June 13, 2019, to either July 23 or 26.

7. Finally, Plaintiff requests that the Discovery Conference be changed from a telephonic discovery conference, to an all-day, in-person conference, as was offered by the Court at the hearing on April 4, 2019. (*See* attached excerpt from the transcript of that conference attached hereto as Exhibit 1). Defendant requests the Discovery Conference be set again as a telephonic conference, consistent with the Court's Orders of March 6, 2019 (Doc. No. 32 at 2) and May 23, 2019 (Doc. No. 41 at 4).

WHEREFORE, the parties respectfully request that the Court rule on this motion, and reconsider or clarify the Court's Order of May 23, 2019, including the following:

- A. Change the trial date from August 18, 2020 to the weeks of May 19 and 25, 2020;
- B. Modify the parties' deadline for filing a Supplemental Statement regarding ESI from June 6, 2019 to July 19, 2019, or to a date to be set at the Discovery Conference;
- C. Modify the parties' deadline for filing a Status Report as to discovery issues in dispute from June 11, 2019, to July 19, 2019;
- D. Reschedule the Discovery Conference from June 13, 2019, to either July 23 or 26;
- E. Issue instructions as to the format of the Discovery Conference; and
- F. Grant such other and further relief as may be equitable and just.

Respectfully submitted,

MARC MARTEL, Plaintiff

By His Attorneys

UPTON & HATFIELD, LLP

Date: June 4, 2019

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AND

COMPUTER SCIENCES
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By Its Attorneys

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Date: June 4, 2019

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